



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

ESTHER FOSTER,  
Plaintiff,

vs.

RENFRO CORPORATION,  
Defendant.

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CIVIL ACTION NO. 7:07-124-HFF-BHH

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ORDER

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This case was filed as a job discrimination action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Reports and Recommendations (Report I and Report II) of the United States Magistrate Judge. In Report I [Doc. 88], the Magistrate Judge suggested that Defendant's motion to dismiss be denied. The Magistrate Judge also warned Plaintiff that her failure to abide by the Orders of the Court would result in dismissal of the action. In Report II [Doc. 93], finding that Plaintiff had failed to follow the Court's directives, the Magistrate Judge recommends that the action be dismissed with prejudice. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed Report I on November 29, 2007, and Report II on December 20, 2007. The Clerk of Court entered Plaintiff's objections and other submissions to the Reports on December 20, 2007, and January 10, 2008, respectively. Having construed the submissions as objections to the Reports, the Court finds such objections to be wholly without merit. Moreover, to the extent that the submissions are construed as responsive to the Magistrate Judge's directives, the Court finds them noncompliant.

Therefore, after a thorough review of the Reports and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Reports and incorporates them herein. Therefore, it is the judgment of this Court that Defendant's motion to dismiss be **DENIED**, but that the action be **DISMISSED** with prejudice.

**IT IS SO ORDERED.**

Signed this 29th day of January , 2008, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within 30 days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.